

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

OP (CAT) .No. 17 of 2015 ()

AGAINST THE JUDGMENT IN OA 180/01142/2014 of CENTRAL
ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH DATED 29-12-2014.

PETITIONER(S)/RESPONDENTS IN O.A.NO. 180/1142 OF 2014,
CAT, ERNAKULAM:

1. THE GENERAL MANAGER, AGED 55 YEARS,
OFFICE OF THE GENERAL MANAGER,
TELECOM BSNL ALAPPUZHA.

2. THE DEPUTY GENERAL MANAGER,
(ADMN), OFFICE OF THE GENERAL MANAGER, TELECOM,
BSNL, ALAPUZHA-688011.

3. THE CHIEF GENERAL MANAGER, TELECOM,
BHARAT SANCHAR NIGAM LIMITED, KERALA CIRCLE,
THIRUVANANTHAPURAM-695 033.

4. THE CHAIRMAN AND MANAGING DIRECTOR,
BHARAT SANCHAR NIGAM LIMITED, CORPORATE OFFICE,
STATESMAN HOUSE, NEW DELHI-110001.

BY ADVS.K.RAMA KUMAR
P.J.PHILIP

RESPONDENT/APPLICANTS IN O.A.NO.180/1142 OF 2014 OF
CAT, ERNAKULAM:

V.AJITHA, HR NO.199004884,
SUB DIVISIONAL ENGINEER,
BSS, BHARAT SANCHAR NIGAM LIMITED,
ALAPPUZHA-688 011.

BY VISHNU S.CHEMPAZHANTHIYIL

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON
29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP (CAT) .No. 17 of 2015 ()

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT P1: COPY OF ORDER DATED 29.12.2014 IN OA
NO.180/1142 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM.

EXHIBIT P2: COPY OF OA O.180/1142 OF 2014.

RESPONDENT(S) ' EXHIBITS:

NIL

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P.S. to Judge

**THOTTATHIL B. RADHAKRISHNAN &
K. HARILAL, JJ.**

O.P. (CAT) No.17 of 2015

Dated this the 29th day of January, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We heard the learned Senior Standing Counsel for the BSNL and the learned counsel appearing for the respondent. The respondent, a Sub Divisional Engineer in BSNL, availed Child Care Leave. That was granted. She wanted that leave to be extended. That was refused as per Annexure-A6. She challenged such refusal before the Tribunal. By the impugned Ext.P1 order dated 29/12/2014, the Tribunal stayed the operation of Annexure-A6 and required the establishment to permit the request of the employee by allowing suitable spells of leave with effect from 1/1/2015.

2. Though the submission, on behalf of BSNL, is that the Tribunal had over stepped its jurisdiction and had, essentially, gone into the executive domain in considering

the eligibility to have CCL extended on spells, we think that all that the Tribunal has done is a stop gap arrangement awaiting reply from the department on 27/1/2015. BSNL has not honoured the requirement to respond before the Tribunal within that time limit. Yet, we are sure that when the department places its pleadings before it, the Tribunal will be within bounds to reconsider the whole matter and also finally dispose of the main matter in accordance with law. Ext.P1, being an interlocutory order, is only one that would stand to be regulated by the Tribunal itself, as per its decision on the final disposal of the Original Application. We, therefore, do not see any ground to interfere with Ext.P1 under Article 227 of the Constitution. However, we request the Tribunal to make an earnest effort to finally decide the matter at the earliest if the establishment places its objections at an early point of time. Subject to that, this original petition is dismissed.

Sd/-
(**THOTTATHIL B. RADHAKRISHNAN, JUDGE**)

Sd/-
(**K. HARILAL, JUDGE**)

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P.S. to Judge